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July 23, 2014

By E-Filing

Magistrate Judge Henry Pitman
United States Courthouse
500 Pearl Street, Room 18A
New York, NY 10007-1312

RE: *Apple Mortgage Corp. v. Barenblatt, et al.*
(S.D.N.Y. Case No. 13-cv-9233)

Dear Magistrate Judge Pitman:

My name is Jonathan Rogin and pursuant to Judge Koeltl's order entered on July 17, 2014 in the referenced action, I am now representing Plaintiff Apple Mortgage Corporation ("Apple") herein. I am writing to request, jointly with the consent of counsel for defendants Richard Barenblatt, Keith Furer, David Breitstein and Kevin Ungar (collectively, "Defendants"), an adjournment of the settlement conference currently scheduled for July 30, 2014.

Suffice it to say that the discovery disputes that warranted the prior adjournment of this settlement conference still remain. As a threshold matter, Defendants still have not produced; (i) the electronic data stolen by Defendants from Apple which is currently in Defendants' counsel's possession; or (ii) all documents concerning mortgage loan applications submitted by Defendants while employed by their new employer, Guardhill Financial Corporation.¹ These are critical documents for Apple to establish liability and damages. Unfortunately, it appears that we will need to raise this issue with Judge Koeltl, which we plan to do promptly if Defendants continue to refuse to produce these materials.²

¹ For a more complete description of the basis for Apple's need for Defendants to produce these items, I respectfully refer your Honor to the letter dated May 27, 2014 from my predecessor counsel, Steven Halperin (ECF Doc. No. 15).

² Defendants have suggested that they have their own concerns about documents purportedly missing or withheld from Apple's production, and that they intend to bring these matters to Judge Koeltl, as well. Apple, having produced more than 17,000 pages of documents, is confident that Judge Koeltl will have little trouble determining which side is hindering discovery.

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Without the foregoing discovery from Defendants, it will be impossible for Apple to engage in meaningful settlement discussions. Accordingly, it is Apple's view that the settlement conference should be adjourned without date, to abide for resolution of these disputes by the parties or, more likely, Judge Koeltl.

Respectfully submitted,



Jonathan Rogin

cc: Richard C. Schoenstein, Esq.